

1 AN ACT concerning fireworks.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. This Act may be cited as the Fireworks
5 Regulation Act.

6 Section 5. Definition of terms. As used in this Act,
7 the following terms shall have the meanings ascribed to them
8 in this Section unless clearly indicated otherwise.

9 "Importer" means any person engaged in the business of
10 making sales of fireworks to a bona fide wholesaler.

11 "Wholesaler" means any person engaged in the business of
12 making sales of fireworks to any other person engaged in the
13 business of making sales at retail.

14 "Retailer" means any person engaged in the business of
15 making sales of fireworks to consumers.

16 "Sale" means an exchange of articles of fireworks for
17 money and each transaction made by any person, whether as
18 principal proprietor, salesman, agent, association,
19 copartnership or one or more individuals.

20 "Person" means any corporation, association,
21 copartnership, or one or more individuals.

22 "License" means the written authority of the State Fire
23 Marshal issued under the authority of this Act.

24 "D.O.T. Class C Common Fireworks" means all articles of
25 fireworks classified as D.O.T. Class C Common Fireworks in
26 the regulations of the U.S. Department of Transportation for
27 the transportation of explosive and other dangerous articles,
28 including wire sparklers.

29 "Special fireworks" means all articles of fireworks that
30 are classified as Class B explosives in the regulations of
31 the U.S. Department of Transportation and shall include all

1 articles classified as fireworks other than those classified
2 as Class C.

3 Section 10. It shall be unlawful for any person to sell,
4 offer to sell, ship, or cause to be shipped into or within
5 the State of Illinois, except as herein provided, any item of
6 fireworks, without first having secured the required
7 applicable license, as a importer, wholesaler, or retailer,
8 from the State Fire Marshal, possession of the license being
9 hereby made a condition prerequisite to selling or offering
10 for sale, shipping or causing to be shipped any fireworks
11 into or within the State of Illinois, except as herein
12 provided. All license holders must be located in permanent
13 structures and be open for business 12 months each year.
14 Fireworks stands operated by handicapped or retired persons
15 that generate less than \$15,000 gross sales annually and not
16 for profit organization stands shall not be required to be
17 open 12 months of the year. Also, importers, wholesalers,
18 and all not for profit organizations are exempt from the
19 sales tax license provision.

20 Before engaging in the sale within the State of Illinois
21 or shipment into the State of Illinois of any fireworks, each
22 person must make application on forms secured from the State
23 Fire Marshal for the license or licenses required under this
24 Act for each location at which fireworks are to be offered
25 for sale.

26 The determination of the type of license or licenses
27 required by each applicant will be based on the license fee
28 paid by the applicant. No license shall be issued to a
29 person under the age of 21 years. All licenses shall be for
30 the calendar year or any fraction thereof and shall expire on
31 December 31 of each year; 2 days of grace shall be allowed
32 holder of licenses, after the expiration thereof. Licenses
33 issued to retailers must be displayed in their place of

1 business. No license provided for in this Act shall be
2 transferable nor shall a person be permitted to operate under
3 a license issued to any other person or under a license
4 issued for another location, unless transfer shall have been
5 approved by the State Fire Marshal.

6 The State Fire Marshal is authorized and directed to
7 charge for licenses issued as follows: importer, \$3,500;
8 wholesaler, \$1,000; retailer, \$50; display, \$1.

9 Only holders of a retailer license will be authorized to
10 engage in the retail sale of permitted items as defined in
11 Section 35 of this Act in quantity to consumers.

12 A holder of a importer license will be required to have
13 additional license or licenses in order to sell as a
14 wholesaler and retailer.

15 The State Fire Marshal shall deposit \$200,000 of the
16 amount received each fiscal year as license fees under this
17 Act into the Fire Prevention Fund to be used (i) for fire
18 prevention programs and (ii) for the costs of enforcing this
19 Act. The State Fire Marshal shall deposit the remainder of
20 the amount received as license fees under this Act into the
21 General Revenue Fund. The State Fire Marshal may designate a
22 deputy fire marshal as the "Fireworks Enforcement Officer"
23 who shall have the responsibility of directing enforcement of
24 the State fireworks laws.

25 The State Fire Marshal is charged with the enforcement of
26 this Act and may call upon any State or county or city peace
27 officer for assistance in the enforcement of this Act.

28 Section 15. The State Fire Marshal shall assign a number
29 to each license issued and each holder of a license of any of
30 the classes hereinabove provided shall imprint or affix the
31 same to all purchase orders, delivery receipts, and invoices
32 issued or used by each distributor or wholesaler.

1 Section 20. No person shall deliver, sell, or ship
2 fireworks into or within the State of Illinois unless the
3 consignee produces the required license or evidence that the
4 consignee holds the license. No person shall purchase
5 fireworks from another person without first requiring proof
6 that the proper license required of the seller has been
7 obtained and is current and valid.

8 Section 25. The State Fire Marshal may revoke any
9 license issued under the provisions of this Act upon evidence
10 that the holder has purchased, received, sold, used, shipped,
11 or caused to be shipped any illegal fireworks in violation of
12 this Act. Notice must be given in writing to the holder of a
13 license stating cause of revocation.

14 The State Fire Marshal, in his discretion, may refuse to
15 issue another license to the holder of a license which has
16 been cancelled or revoked for the possession or sale of
17 illegal fireworks for a period not to exceed one year.

18 Section 30. The issuance of the license required under
19 this Act does not replace or relieve any person of State,
20 county, or municipal privilege licenses as required by law.
21 No license shall be issued to any applicant who does not show
22 proof of a current and valid retail sales tax number, except
23 as provided in Section 10.

24 Section 35. Nothing in this Act shall be construed as
25 applying to the shipping, sale, possession, and use of
26 special fireworks for public displays by holders of a license
27 for a public display. Application for a State license for
28 public display must be made in writing to the State Fire
29 Marshal at least 10 days before display date. The
30 application shall show that the proposed display is to be so
31 located and supervised that it will not be hazardous to

1 property and that it will not endanger human lives. If the
2 display is to be performed within the limits of a
3 municipality, the application shall so state and shall bear
4 the signed approval of the chief supervisory official of the
5 fire or police department of the municipality. Licenses
6 issued shall be limited to the time specified therein and
7 shall not be transferable.

8 Section 40. It shall be unlawful for an individual,
9 firm, partnership, or corporation to possess, sell, or use
10 within the State of Illinois, or ship into the State of
11 Illinois, except as provided in Section 35 of this Act, any
12 pyrotechnics commonly known as "fireworks" other than items
13 now or hereafter classified as Class C Common Fireworks by
14 the U.S. Department of Transportation or those items that
15 comply with the construction, chemical composition, and
16 labeling regulations promulgated by the U.S. Consumer Product
17 Safety Commission and permitted for use by the general public
18 under their regulations.

19 Permitted items designed to produce an audible effect are
20 confined to small ground items which include firecrackers not
21 over 1 1/2" in length and 1/4" in diameter and containing not
22 over 50 milligrams of explosive composition and aerial
23 devices containing not over 130 milligrams of explosive
24 composition. Propelling or expelling charges consisting of a
25 mixture of charcoal, sulfur and potassium nitrate are not
26 considered as designed to produce an audible effect.

27 Items permitted and for which a license is required shall
28 include related items not classified by the D.O.T. as Class C
29 Common Fireworks, but identified under their regulations as
30 trick noisemakers, toy novelties, toy smoke devices and
31 sparklers, and shall include toy snakes, snappers, auto
32 burglar alarms, smoke balls, smoke novelty items, party
33 poppers, trick matches, cigarette loads, and morning glory

1 sparklers containing not over 100 grams of composition per
2 item. Morning glory sparklers containing any chlorate of
3 perchlorate salts may not exceed 5 grams of composition per
4 item. Sparklers containing any chlorate of perchlorate salts
5 may not exceed 5 grams of composition per item.

6 Section 45. All items of special Class B Commercial type
7 ground salutes commonly known as cherry bombs, various
8 tubular salutes which exceed the limits of permitted Class C
9 items as to size or explosive composition designed to produce
10 an audible effect referred to in Section 40 of this Act, and
11 wire sparklers are expressly prohibited from shipment into,
12 possession, sale, and use within the State of Illinois for
13 any purpose.

14 Section 50. No permissible article of fireworks or
15 related items defined on Section 40 shall be sold, offered
16 for sale, possessed within the State, or used within the
17 State, except as provided in Section 35 unless it shall be
18 properly named to conform to the nomenclature of Section 40.
19 Items must be identified on the shipping cases and by
20 imprinting on the article or retail sales container or unit
21 "DOT CLASS C Common Fireworks" or other appropriate
22 classification or identification as may be applicable or
23 required by any federal agency having jurisdiction over
24 fireworks or related items, the imprint to be of sufficient
25 size and so positioned as to be readily recognized by law
26 enforcement authorities and the general public.

27 Section 55. Permissible items of fireworks, defined in
28 Section 40, may be sold at retail to residents of the State
29 of Illinois. The term "fireworks" shall not include toy paper
30 pistol caps which contain less than 25/100 grains of
31 explosive compounds, model rockets, emergency signal flares,

1 and matches, the sale and use of which shall be permitted at
2 all times without a special fireworks license. Party stores
3 are also exempt from the fireworks license when selling party
4 poppers and morning glory sparklers.

5 Section 60. Placing, storing, locating, or displaying of
6 fireworks in any window where the sun may shine through glass
7 into the fireworks so displayed or to permit the presence of
8 lighted cigars, cigarettes, or pipes, within 10 feet of where
9 the fireworks are offered for sale is declared unlawful and
10 prohibited. At all places where fireworks are stored or
11 sold, there must be posted signs with the words "fireworks no
12 smoking" in letters not less than 4 inches high.

13 No fireworks shall be sold at retail at any location
14 where paints, oils, or varnishes are for sale or use unless
15 kept in the original unbroken containers, nor within 25 feet
16 of where resin, turpentine, gasoline, or other inflammable
17 substance which may generate inflammable vapors is used,
18 stored or sold.

19 Any fireworks devices that are readily accessible to
20 handling by consumers or purchasers must have their fuses
21 protected in a manner that protects against accidental
22 ignition of an item by a spark, cigarette ash, or other
23 ignition source.

24 All retail outlets selling permissible fireworks must
25 have at least one fire extinguisher readily available, or
26 several pails of water. No retail license shall be issued
27 for the sale of fireworks at retail from tents or from or in
28 a motor vehicle or from a trailer towed by a motor vehicle.

29 Section 65. It shall be unlawful to offer for retail
30 sale or to sell any fireworks, including wire sparklers, to
31 persons under the age of 21 years or to any intoxicated or
32 irresponsible person. Any person purchasing fireworks shall

1 be required to show a valid driver's license or State
2 approved identification card. Permitted nonfireworks items
3 identified as snappers, trick noisemakers, toy novelties, toy
4 smoke devices, toy snakes, snappers, auto burglar alarms,
5 smoke balls, smoke novelty items, party poppers, witches
6 whistle, serpent chargers, or trick matches may be sold to
7 persons 8 years old or older. It shall be unlawful to
8 explode or ignite fireworks within 600 feet of any church,
9 hospital, asylum, public school, any enclosed building, or
10 within 200 feet of where fireworks are stored, sold, or
11 offered for sale. No person shall ignite or discharge any
12 permissible articles or fireworks within or throw them from a
13 motor vehicle while within nor shall any person place or
14 throw any ignited article of fireworks into or at a motor
15 vehicle, or at or near any person or group of people.

16 Section 70. Nothing in this Act shall be construed as
17 applying to the manufacture, storage, sale, or use of signals
18 necessary for the sale operation of railroads or other
19 classes of public or private transportation, nor as applying
20 to the military or naval forces of the United States or of
21 this State or to peace officers, nor as prohibiting the sale
22 or use of blank cartridges for ceremonial, theatrical, or
23 athletic events.

24 Section 75. Any individual, firm, partnership, or
25 corporation that violates any provisions of this Act other
26 than Section 45 shall be guilty of a Class B misdemeanor, and
27 upon conviction shall be punished by a fine of not less than
28 \$1,000 or more than \$2,000 or imprisoned for not less than 30
29 days or more than 90 days, or both, in the discretion of the
30 court, provided, that any person convicted of manufacturing,
31 shipping, possessing, or selling any illegal fireworks
32 described in Section 45 of this Act shall on subsequent

1 violations be guilty of a felony and upon conviction shall be
2 punished by a fine of not less than \$2,500 nor more than
3 \$5,000 or imprisoned not less than one year or more than 3
4 years, or both, in the discretion of the court.

5 Section 80. The State Fire Marshal shall seize as
6 contraband any fireworks other than the permitted "Class C
7 Common Fireworks", any related items defined in Section 40,
8 or "special fireworks" for public displays as provided in
9 Section 35, that are sold, displayed, used, or possessed in
10 violation of this Act. The State Fire Marshal is authorized
11 to destroy any illegal fireworks seized.

12 Section 900. The State Finance Act is amended by adding
13 Section 5.595 as follows:

14 (30 ILCS 105/5.595 new)

15 Sec. 5.595. The Trauma Center Fund.

16 (425 ILCS 35/Act rep.)

17 Section 905. The Fireworks Use Act is repealed.

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.